



Public Notice

U.S. Army Corps Of Engineers Galveston District	Permit Application No: _____	19089(04)
	Date Issued: _____	22 January 2004
	Comments Due: _____	23 February 2004

**U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT
AND
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

PURPOSE OF PUBLIC NOTICE: To inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.

AUTHORITY: This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.

APPLICANT: Bertha Griego
3001 Traylor Boulevard
Rockport, Texas 78382-6847

AGENT: Belaire Environmental, Inc.
P.O. Box 741
Rockport, Texas 78382-0741
Telephone: 361-729-1241
POC: Seth Gambill

LOCATION: The project is located where Mesquite Street terminates at Fulton Beach Road in Fulton, Aransas County, TX. The project can be located on the U.S.G.S. quadrangle map entitled: Rockport, TX. Approximate UTM Coordinates (NAD 83): Zone 14; Easting: 693120; Northing: 3106136. The disposal area can be located on the U.S.G.S. quadrangle map entitled: Estes, TX. Approximate UTM Coordinates (NAD 83): Zone 14; Easting: 689350; Northing: 3097460.

PROJECT DESCRIPTION: The applicant proposes to stabilize the shoreline, place fill, restore and extend existing breakwaters, maintain (dredge) an existing marina and boat channel, install ShoreGuard, and construct bulkhead and boatlifts with walkways.

The applicant proposes to construct a bulkhead along the Mean High Tide Line and place fill behind it to stabilize the shoreline. The previous permit authorized dredging the basin in a rhomboid configuration. The currently proposed basin dredge area is less than originally authorized and would be accomplished by constructing a bulkhead that approximately follows the MHT line along the south and west portions of the basin. The proposed bulkhead alignment would result in approximately 70 cubic yards of fill in waters of the US and would cover approximately 1,260 square feet. The applicant proposes to remove the remains of an old wooden wall and install a vinyl sheet-pile wall in its place along the north, northwest, and southeast portions of the marina basin.

The applicant also proposes to maintenance dredge the area within the marina basin and the west portion of a channel from the basin to Aransas Bay. The previous permit authorized channel dredging for 650 feet from the east end of the existing north groin (~800 feet total). The applicant proposes to dredge the west 300-foot portion of that channel. The basin would be dredged to a depth of -3.5 ft MHT. Dredging would be done mechanically via a dragline. Farther in the channel, where the machine cannot reach, the dredging would be done using a barge-mounted dragline. The dredged material would be placed and contained aboard the barge, taken to shore, and loaded onto trucks. Then, it would be taken to an upland disposal area that is located south of the project site in the area known as Cove Harbor. The actual disposal site is a 140- by 340-foot area on the southeast corner of Cove Harbor as shown on sheet 3 of 8.

Additionally, the applicant proposes to restore and extend an existing breakwater on the north side of the channel and restore the south breakwater. The north breakwater extends 75 feet into Aransas Bay and has deteriorated considerably. The applicant proposes to repair the breakwater and add 100 feet to its length so that it extends 175 feet into the bay. The extension is proposed to reduce siltation within the channel. The south breakwater would be repaired to its originally permitted specifications. The restoration and extension would result in the alteration of approximately 1000 square feet of bay bottom.

Finally, the applicant proposes to construct a walkway and eight finger piers to form a small boat marina. The walkway would be 3 feet wide and constructed around and within the basin, adjacent to the proposed bulkhead and ShoreGuard wall. The proposal includes eight 2-foot-wide finger piers on approximately 15-foot centers that would form eight boat slips. There would be two pilings between each finger pier to support a mechanized boatlift. The boat slips would not be covered. This proposal is a new use of the permitted marina basin. Previously, the marina was used as a harbor to unload shrimp boats.

On December 22, 2002, Belaire Environmental, Inc. conducted a sea grass survey of the project area. The survey results showed no live oysters or sea grasses within the entire project area. This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. Our evaluation will also follow the guidelines published by the U.S. Environmental Protection Agency pursuant to Section 404 (b)(1) of the Clean Water Act (CWA). A copy of the plans, in 8 sheets, is enclosed for your review.

NOTES: This public notice is being issued based on information furnished by the applicant. This information has not been verified.

A preliminary review of this application indicates that an Environmental Impact Statement (EIS) is not required. Since permit assessment is a continuing process, this preliminary determination of EIS requirement will be changed if data or information brought forth in the coordination process is of a significant nature.

OTHER AGENCY AUTHORIZATIONS: Texas Coastal Zone consistency certification is required. The applicant has stated that the project is consistent with the Texas Coastal Management Program goals and policies and will be conducted in a manner consistent with said Program.

STATE WATER QUALITY CERTIFICATION: This project incorporates the requirements necessary to comply with the Texas Commission on Environmental Quality's (TCEQ) Tier I project criteria. Tier I projects are those which result in a direct impact of three acres or less of waters of the state or 1500 linear feet of streams (or a combination of the two is below the threshold) for which the applicant has incorporated best management practices and other provisions designed to safeguard water quality. Accordingly, a request for 401 certification is not necessary and there will be no additional TCEQ review.

NATIONAL REGISTER OF HISTORIC PLACES: The staff archaeologist has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible, and other sources of information. The following is current knowledge of the presence or absence of historic properties and the effects of the undertaking upon these properties:

The proposed work and/or structures are of such limited nature and scope that little likelihood exists for the proposed project to impinge upon a historic property, even if present within the affected area.

THREATENED AND ENDANGERED SPECIES: Preliminary indications are that no known threatened and/or endangered species or their critical habitat will be affected by the proposed work.

ESSENTIAL FISH HABITAT: This notice initiates the Essential Fish Habitat consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Our initial determination is that the proposed action would not have a substantial adverse impact on Essential Fish Habitat or Federally managed fisheries in the Gulf of Mexico. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

PUBLIC INTEREST REVIEW FACTORS: This application will be reviewed in accordance with 33 CFR 320-330, the Regulatory Programs of the Corps of Engineers, and other pertinent laws, regulations and executive orders. The decision whether to issue a permit will be based on an

evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the proposal, will be considered: among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and, in general, the needs and welfare of the people.

SOLICITATION OF COMMENTS: The Corps of Engineers is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Impact Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

This public notice is being distributed to all known interested persons in order to assist in developing facts upon which a decision by the Corps of Engineers may be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition.

PUBLIC HEARING: Prior to the close of the comment period any person may make a written request for a public hearing setting forth the particular reasons for the request. The District Engineer will determine whether the issues are substantial and should be considered in the permit decision. If a public hearing is warranted, all known interested persons will be notified of the time, date, and location.

CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before **23 February 2004**. Extensions of the comment period may be granted for valid reasons provided a written request is received by the limiting date. **If no comments are received by that date, it will be considered that there are no objections**. Comments and requests for additional information should be submitted to:

Reagan Richter
Regulatory Branch, CESWG-PE-RCC
U.S. Army Corps of Engineers
5151 Flynn Parkway #306
Corpus Christi, TX 78411-4318
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DISTRICT ENGINEER
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